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SUBJECT: NEW COUNTERNARCOTICS DECREE: A RAY OF HOPE?

1. (U) SUMMARY: A new GVN decree may enhance international counternarcotics cooperation and offer new hope for the long-awaited conclusion of a US-Vietnam Counternarcotics Agreement. END SUMMARY.

COOPERATION IN PRINCIPLE

2. (U) On January 21, Prime Minister Phan Van Khai signed a new decree directing the GVN to coordinate with other countries in counternarcotics activities, including training, information sharing, and law enforcement. According to media reports, PM Khai specifically directed relevant ministries and other concerned agencies to enhance their efforts in entering into bilateral and multilateral counternarcotics agreements.

3. (U) The decree (at least the excerpts that the GVN has thus far publicized) is well caveated by usual language on the need to "respect Vietnam's independence, sovereignty, territorial integrity, and traditional customs." In addition, the decree noted that cooperation "must be based on the laws of Vietnam."

VIEW FROM MFA

4. (SBU) Bui Quan Minh, Senior Officer of the Ministry of Foreign Affairs' Department of International Organizations Department (MFA/IO -- the USG's designated point of contact for negotiating the long-delayed counternarcotics agreement), told poloff on January 27 that the decree was an "encouraging step" for enhancing international cooperation. He warned, however, that "we will have to proceed cautiously to ensure full compliance with Vietnam's laws and sovereignty."

THE VIEW FROM THE UN

5. (SBU) Dr. Doris Buddenberg, UN Office of Drug Control (UNODC) Representative, predicted privately that the decree would lead to a stronger role for the GVN's Standing Office of Drug Control (SODC) as the GVN's focal point for interacting with foreign entities on counternarcotics. (Note: SODC is roughly equivalent to the USG's Office of National Drug Control Policy. End note.) Dr. Buddenberg opined that this increased centralization could be "a good thing," compared to the previous arrangement whereby several ministries had their own channels for international cooperation. Dr. Buddenberg expressed doubt, however, that the decree would have a "major impact" on USG efforts to conclude the bilateral counternarcotics agreement, since that "is firmly in the hands of MFA/IO." While UNODC is reserving final judgment until the full text is made public, Dr. Buddenberg commented that the decree, while "helpful," appeared "heavily weighed down" with qualifiers that would "probably" limit its potential effectiveness.

SODC'S VIEW

6. (U) According to SODC Director Colonel Bui Xuan Bien, the decree represents one of the "concrete steps" required under the GVN's "comprehensive" counternarcotics law that was passed in 2000. He cited an earlier decree that designated the Ministry of Labor, Invalids, and Social Affairs as the GVN ministry responsible for drug treatment as another "concrete" GVN action to implement the drug law. Colonel Bien said that other decrees will follow as part of the GVN's commitment to move from the general policies described in the drug law to more specific implementation activities. Colonel Bien declined to predict how specifically the new decree would enhance SODC's role, but claimed that SODC "has always supported and will continue to support" improved international and regional counternarcotics cooperation. "Vietnam cannot fight drugs

alone," he admitted. Colonel Bien opined that the decree "is likely to help push forward" the bilateral counternarcotics agreement with the U.S., but noted that negotiations are "out of SODC's purview," since the GVN had designated overall negotiating responsibility to MFA/IO.

COMMENT

17. (U) The decree is at the minimum a welcome step in the right policy direction, even if caveated with Vietnam's normal defensive principles. While Embassy does not believe that its entry into force will lead to any immediate breakthroughs in our efforts over the CNA, its existence nonetheless offers a new peg on which to urge the MFA/IO to get off the stick and intensify efforts to convince other ministries (i.e., Finance) to agree to the standard USG draft text, and finally turn these long-standing negotiations into a win/win situation for both the GVN and USG.
BURGHARDT